

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing (day/month/year) 22.09.2004	
Applicant's or agent's file reference AX030002WO	REPLY DUE within 3 month(s) from the above date of mailing
International application No. PCT/ES 03/00006	International filing date (day/month/year) 09.01.2003
Priority date (day/month/year) 07.11.2002	
International Patent Classification (IPC) or both national classification and IPC B65D17/28	
Applicant MIVISA ENVASES, S.A.U. et al.	

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 07.03.2005

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WRITTEN OPINION

International application No. PCT/ES 03/00006

I. Basis of the opinion

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1-2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

WRITTEN OPINIONInternational application No. **PCT/ES 03/00006****V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	no: 1,2,5 and 7 yes: 3, 4 and 6
Inventive step (IS)	Claims	no: 3,4 and 6
Industrial applicability (IA)	Claims	yes: 1-7

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: ES 0 152 778 U

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (cf. page 3, line 22 - page 4, line 8; figures 1-3; the references in parentheses applying to this document):

An easy-open lid, specifically applicable in lids which, with a circular, elliptical or rectangular configuration with rounded vertices, incorporate a cut line (2), parallel and close to the perimeter for opening the lid with the collaboration of a punch-tear away ring tab (3) attached to the body of the lid by means of a rivet (11) and provided with a punching vertex (31) acting on said cut line (21), whereby the cut line (2) is provided with a breakage segment (21) with a curved path, having a curvature center coinciding with the rivet (11) for attaching the ring tab (3) to the body of the lid, such that said punch vertex is kept in place on the breakage segment after an accidental rotation of said ring tab throughout the process of handling the lid itself and the container which it is associated to.

- 2.2 The additional features of claims 2, 5 and 6 are known from D1 (cf. figures 1-3). Thus, the subject-matter of claims 2, 5 and 6 is not novel (Art. 33(2) PCT).
- 2.3 Dependent claims 3, 4 and 6 do not seem to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.
3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.